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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,249	01/08/2004	Kevin P. Klubek	86973RLO	6740

7590

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EXAMINER

GARRETT, DAWN L

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/753,249

Applicant(s)

KLUBEK ET AL.

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 15-17 and 31-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 18-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action is responsive to the amendment received June 21, 2006. Claims 15-17 and 31-33 are withdrawn. Claims 1-14 and 18-30 are currently under consideration.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-10, 13, 14, 18-26, 29, and 30 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al. (US 5,281,489) in view of Matsuura et al. (US 2005/0064233 A1). Mori teaches an electroluminescent element comprising an organic luminescent layer comprising a mixture of a fluorescent luminescent agent, at least one hole moving and donating agent (also known as hole transporting and injecting) and at least one electron moving and donating agent (also known as electron transporting and injecting). Mori teaches suitable hole moving and donating agents include anthracene compounds and aromatic tertiary amine compounds (see col. 4, lines 41-46). Suitable electron moving and donating agents includes metal complexes of 8-hydroxyquinolines (see col. 8, lines 15-30) with regard to claims 5, 6, 21 and 22. With regard to claims 9, 10, 25 and 26 various coumarin derivatives are taught as the fluorescent agent (see col. 24, lines 3-29). With regard to claims 13 and 29, coumarin is a green emitting material. With regard to claims 8 and 24, the amount of luminescent agent is 0.01-20 parts by weight (see col. 26, lines 66-68). The weight ratio of electron moving and donating agent to hole moving and donating agent is 95:5 to 5:95 (see col. 27, lines 3-5) with regard to claims 3, 4, 7, 19, 20, and 23.

Mori et al. fails to teach the specific aminoanthracene derivative of claims 14 and 30 as a hole moving and donating agent, but Mori et al. does teach the hole moving and donating agent

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may be an anthracene derivative and/or tertiary amine derivative (see col. 4, lines 41-46).

Matsuura et al. teaches in analogous art compounds for the luminescent layer according to formula (V) (see par. 23) wherein X is a substituted or unsubstituted condensed aromatic ring group having 10 to 40 nuclear carbon atoms, Ar⁵ and Ar⁶ each independently represent a substituted or unsubstituted monovalent aromatic group having 6 to 40 carbon atoms, and p represents an integer of 1 to 4 (see par. 24-26). Although Matsuura et al. does not specifically set forth the derivative of claims 14 and 30, formula (V) discloses all of the requirements of the claims 14 and 30 compound. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected the formula (V) derivative of the luminescent layer taught by Matsuura et al. for the hole moving and donating agent of the Mori et al. device, because Mori et al. teaches that an anthracene derivative or tertiary amine derivative is desirable as the hole moving and donating agent.

4. Claims 10-12 and 26-28 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al. (US 5,281,489) in view of Matsuura et al. (US 2005/0064233 A1) in further view of Chen et al. (US 2004/0247937 A1). Mori et al. and Matsuura et al. are relied upon as set forth above. Mori et al. teaches the fluorescent materials may be chosen from dyes (see col. 23, lines 38-47), but fails to specifically mention quinacridone dyes or specific coumarin derivative C545T. Chen et al. teaches in analogous art luminescent dyes for the luminescent layer of an OLED including C545T and quinacridone derivatives (see par. 79). It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected either a quinacridone dye (QA) or C545T as the luminescent agent of the Mori et al. device, because Mori et al. teaches a fluorescent dye is desirable as the luminescent agent.

Response to Arguments

5. Applicant's arguments filed June 21, 2006 have been fully considered but they are not persuasive.

Applicant argues "Clearly, there is no motivation in Mori et al. to use an aminoanthracene in the manner set forth in claim 1 and the other claims in this case." The examiner notes that Matsuura et al. is incorporated as a secondary reference to teach a specific tertiary amine derivative, an aminoanthracene. Applicant argues "Formula (V) of Matsuura et al. may indeed include an aminoanthracene. This material is used in a light emitting layer but it is clear from a fair reading of Matsuura et al. that the compounds of formula (V) are used as a dopant." The examiner disagrees with applicant's conclusion that formula (V) is only intended as a dopant. First, the primary reference, Mori et al. teaches hole moving and donating agent (hole transporting agent) may be used in a ratio of 95:5 to 5:95 to electron transporting material as host material for a light emitting medium (see Mori et al. col. 27, lines 3-5). Secondly, the aminoanthracene material (A) taught by Matsuura et al. in the secondary reference clearly has a hole transporting property and it may be used in the light emitting layer in mixture with (B) as the electron transporting material in a range of 1:99 to 99:1 (see paragraph 93). Matsuura et al. does not restrict the aminoanthracene compound component (A) to only a dopant compound. Matsuura et al. clearly discloses the aminoanthracenes can be contained in a host amount and that the compounds are hole transporting. Accordingly, the combination of Mori et al., which sets forth a tertiary aromatic amine as a hole transporting material host material, and Matsuura et al., which teaches an aminoanthracene tertiary aromatic amine as hole transporting material, is a logical and appropriate combination of references.

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Applicant argues all of the Examples set forth by Matsuura et al. use a greater amount of component (B) than component (A). The examiner notes that non-preferred embodiments can be indicative of obviousness (see *In re Lamberti*, 192 USPQ 278 (CCPA 1976); *In re Boe*, 148 USPQ 507 (CCPA 1976); *In re Kohler*, 177 USPQ 399 (CCPA 1973)), and a reference is not limited to working examples (see *In re Fracalossi*, 215 USPQ 569 (CCPA 1982)). While the examples may not show component (A) in a greater amount, paragraph 93 clearly teaches component (A) as a hole transporting material and that it may be included in a light emitting layer in a major amount.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571) 272-1523. The examiner can normally be reached Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached at (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dawn Garrett
Primary Examiner
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